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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,017	01/28/2002	Nick Ernst	50004-00002	4969
7590 07/12/2006			EXAMINER	
Diane K. Kneeland 148 Pecos Street Cedar Creek, TX 78612			YANG, CLARA I	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/060,017

Applicant(s)

ERNST ET AL.

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Evidence of Commercial Success*

1. The evidence of commercial success, filed on 22 December 2004, is not convincing. First, an applicant who is asserting commercial success to support its contention of nonobviousness bears the burden of proof of establishing a nexus between the claimed invention and evidence of commercial success. (See MPEP 716.03 [R-2].) The term "nexus" designates a factually and legally sufficient connection between the evidence of commercial success and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir. 1988). The applicant omits establishing a nexus between the claimed invention and Ms. Keliikuloa's letter. Secondly, Ms. Keliikuloa's letter lacks evidence that (1) the product, which has been sold, corresponds to the claimed invention or that (2) whatever commercial success may have occurred is attributable to the product or process defined by the claims. *Ex parte Standish*, 10 USPQ2d 1454, 1458 (Bd. Pat. App. & Inter. 1988).

### *Response to Arguments*

2. Applicant's arguments filed on 18 April 2006 with respect to claims 31-56 have been considered but are moot in view of the new ground(s) of rejection.

3. On pages 11-12 of the applicant's remark, the applicant's arguments that the language "enabling or disabling the particular container lock mechanism" distinguishes over locking or unlocking a lock (see pages 11-12). The examiner respectfully disagrees. The 10<sup>th</sup> edition of Merriam-Webster's Collegiate Dictionary defines "enable" to mean "to cause to operate" and "disable" to mean "to make incapable or ineffective." An electromechanical lock mechanism is "enabled" when it receives a control signal from a controller to lock or unlock because the lock

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mechanism is caused to operate. The claim omits specifying the manner in which a lock mechanism is to be enabled or disabled.

### *Claim Objections*

4. Claim 52 is objected to because of the following informalities: Change "the hotel property management system" to "a hotel property management system" since the limitation lacks antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 31, 32, 35, 37, 38, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Kucharczyk et al. (US 6,300,873).

Referring to claims 31 and 50, Kucharczyk teaches a system, as shown in Fig. 3, that remotely controls a plurality secure containers, each formed by locking device 28 and storage device 10. Kucharczyk's system and method comprises (a) a delivery service inputting a request for an access code for a particular locking device 28, wherein the request for an access code represents a command for obtaining temporary access (i.e., control) of locking device 28 (see Col. 7, lines 23-37); (b) server 30 (i.e., a control computer) assembling an instruction that contains an access code, which enables locking device 28 when a delivery person inputs a matching access code, in response to receiving the delivery service's request (see Col. 9, lines 16-

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27 and Col. 12, lines 32-39); (c) server 30's radio frequency (RF) interface 34 creating a data packet (i.e., conditioning the instruction) and transmitting the data packet to the specified locking device 28 (see Col. 6, lines 33-37; Col. 9, lines 60-67; and Col. 10, lines 1-3); and (d) each locking device 28 having access code controller 80 (i.e., lock mechanism control means), as shown in Fig. 6, that receives an access code transmitter by server 30's RF interface 34 and enables locking device 28 to be temporarily controlled by the delivery person (see Col. 9, lines 16- 27; Col. 10, lines 49-64; and Col. 11, lines 1-23), whereby control of locking device 28 on storage device 10 is temporarily given to individuals, such as delivery people, and the time of use of storage device 10 is monitored remotely (see Col. 7, lines 36-42 and Col. 13, lines 45-58). Because Kucharczyk discloses server 30 communicating with a plurality of locking devices 28 via a packet radio network (see Fig. 3; Col. 6, lines 33-44 and 64-65; Col. 7, lines 32-34; and Col. 10, lines 1-2), server 30's instruction must include locking device 28's identifier in addition to an access code such that the locking device 28 having the identifier becomes enabled when a delivery person inputs a matching access code.

Regarding claim 32, though Kucharczyk fails to expressly teach that server 30's RF interface 34 having a modulator that modulates a data packet onto an RF signal, RF interface 34 must have a modulator in order to wirelessly transmit data. In addition, RF interface 34 must have an antenna in order to transmit packets via RF signals.

Regarding claims 35 and 37, as shown in Fig. 6, Kucharczyk discloses that locking device 28's access code controller 80 includes (a) RF interface unit 84 having a wireless receiver that receives wirelessly transmitted data packets (i.e., instructions) from server 30 (see Col. 10, lines 1-2 and 60-64); and (b) microcomputer 82 (i.e., receiver controller connected to the wireless receiver, as called for in claim 37) that interprets the received access code to enable locking

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device 28's lock actuator 86 when a service person input a matching access code (see Col. 11, lines 1-23).

Regarding claim 38, Kucharczyk's access code controller 80 is powered by power supply 90, which is a battery (see Col. 11, lines 24-26).

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 33, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kucharczyk et al. (US 6,300,873) as applied to claims 32 and 35 above, and further in view of 47 Code of Federal Regulations (CFR) Chapter 1 (10-1-03 Edition).

Regarding claims 33, 34, and 36, Kucharczyk omits specifying that (1) RF packet network 40 operates in the range of 450 to 470 MHz, as called for in claims 33 and 36, and (2) RF interface 23's effective radiated power (ERP) is in the range of 5 to 30 watts, as called for in claim 34.

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According to §90.261(a) of 47 CFR Chapter 1, the Federal Communications Commission (FCC) has allocated frequencies in the 450-470 MHz band for land mobile operations and for fixed operations on a secondary basis to land mobile operations. The FCC stipulates that fixed stations located within 87 miles of an urbanized area having a population of at least 600,000 are limited to a transmitter output power of 20 watts (see §90.261(b)). Consequently, the resulting ERP of fixed operations in the 450 - 470 MHz band is 20 watts, which is within the range of 5-30 watts, if the systems are within 87 miles of an urbanized area having a population of at least 600,000.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kucharczyk's system pursuant to Part 90 of the FCC's 47 CFR such that it operates in the 450-470 MHz band and has an ERP of 20 watts because the 450 - 470 MHz band is less susceptible to propagation loss than higher frequency bands (as indicated by the formula for calculating free space path loss, wherein free space path loss in dB =  $32.4 + 20 \cdot \log(\text{frequency in MHz}) + 20 \cdot \log(\text{distance in km})$ ), thereby resulting in greater coverage and a more robust system.

10. Claims 39, 40, 43, 46, 48, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich (US 4,857,714) in view of Kucharczyk et al. (US 6,300,873).

Referring to claims 39, 40, 43, 46, 48, 50, and 51, Sunyich teaches a hotel safe system comprising hotel in-room safes 20 distributed in the rooms of a hotel (see Fig. 1 and Col. 2, lines 38-40), as called for in claims 40 and 51. As called for in claims 39 and 50, Sunyich's system and method includes (a) magnetic card reader 74 reading a customer's credit number and relaying the credit card number to processor 72 (see Col. 3, lines 66-68), which relays the credit card number to branch computer 22 if the customer's credit card is a standard American Banking

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Association (ABA) type card and is within the range that safe 20 will accept (see Col. 6, lines 62-68 and Col. 7, lines 6-10 and 23-27). The credit card number is a command for enabling safe 20 because receipt of a credit card number causes branch computer 22 to (1) determine if the credit card number is valid (see Col. 7, lines 23-27) and (2) transmit a message to processor 72 that the credit card number is valid or invalid (see Col. 7, lines 23-27), wherein a message that the credit card number is valid enables safe 20 (see Col. 7, lines 32-51). Sunyich's system and method also comprises (b) branch computer 22 (i.e., a control computer) assembling a message that a credit card number is a valid, wherein the message (i.e., an instruction) is operative to enable safe 20 (see Col. 7, lines 23-51); (c) branch computer 22's modem (i.e., transmitting means) conditioning the message and transmitting the message to safe 20 (see Col. 3, lines 11-15 and Col. 7, lines 23-27); and (d) safe 20's processor 72 (i.e., safe control means) receiving branch computer 22's instruction, prompting the customer to select a combination, and enabling locking mechanism 58 by sending a command to programmable array logic (PAL) chip 144 to extend bolt 64 (see Col. 7, lines 32-51), whereby control of locking mechanism 58 is temporarily given to customers and each safe 20's time of use is monitored remotely by central host 24 (see Col. 2, lines 43-50 and 60-66; Col. 8, lines 37-63; and Col. 9, lines 23-37). Because (1) branch computer 22 is able to send a message to a specific safe 20 in order to enable the safe (see Col. 7, lines 23-51) and (2) Sunyich teaches that safe 20 transmits its terminal identification (TID) number to branch computer 22 with a message as to whether the safe is in use (see Col. 9, lines 30-37), it is understood that branch computer 22 includes a safe's TID when transmitting a message indicating whether or not a credit card number is valid and that each safe 20's processor 72 only responds to a message that contains the safe's TID. As called for in claims 46 and 48, Sunyich's processor 72 includes modem 126, which is a receiver coupled to central processing unit (CPU)



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112 (see Fig. 4; Col. 5, lines 24-68; and Col. 6, lines 1-12); thus CPU 112 is a receiver controller (as called for in claim 48) that interprets branch computer 22's message as a command received to enable locking mechanism 48 (see Col. 7, lines 23-51), as called for in claim 46. Sunyich, however, discloses that branch computer 22 and each safe 20 communicates via the hotel's private branch exchange (PBX) instead of via wireless transmission (see Col. 3, lines 14-19), as called for in claims 39 and 50. Consequently, Sunyich also fails to teach that (1) branch computer 22 is operatively connected to a radio transmitter that modulates the conditioned message and transmits the modulated radio signal to safe 20 from an antenna (as called for in claim 43), and (2) processor 72 includes a wireless receiver that receives the wirelessly transmitted message (as called for in claim 46).

In an analogous art, as explained in the 35 USC §102(e) rejection of claims 31 and 50, Kucharczyk teaches that server 30 includes RF interface 34, wherein RF interface 34 creates a data packet (i.e., conditions the instruction) and transmits the data packet to the specified locking device 28 (see Col. 6, lines 33-37; Col. 9, lines 60-67; and Col. 10, lines 1-3). As explained in the previous rejection of claim 32, server 30's RF interface 34 has (1) a modulator in order to wirelessly transmit data and (2) an antenna in order to transmit packets via RF signals. And as explained in the previous rejection of claims 35 and 37, as shown in Fig. 6, Kucharczyk discloses that locking device 28's access code controller 80 includes (a) RF interface unit 84 having a wireless receiver that receives wirelessly transmitted data packets (i.e., instructions) from server 30 (see Col. 10, lines 1-2 and 60-64); and (b) microcomputer 82 (i.e., receiver controller connected to the wireless receiver) that interprets the received access code to enable locking device 28's lock actuator 86 when a service person input a matching access code (see Col. 11, lines 1-23).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sunyich's system and method as taught by Kucharczyk because (1) coupling branch computer 22 to an RF transmitter that modulates the conditioned message and transmits the modulated radio signal to safe 20 from an antenna (as called for in claim 43) and (2) coupling processor 72's CPU 112 (i.e., receiver controller) to a wireless receiver that receives the wirelessly transmitted message (as called for in claim 46) enable branch computer 22 and safes 20 to communicate bi-directionally via an RF packet network (see Kucharczyk, Col. 6, lines 33-51), as called for by claims 39 and 50, thereby eliminating the need to connect branch computer 22 and safes 20 via the PBX and reducing traffic on the hotel's PBX.

Regarding claim 49, a standard AC outlet powers Sunyich's processor 72 via AC adapter 84 (see Fig. 4 and Col. 4, lines 24-32) instead of a battery.

Kucharczyk's access code controller 80 is powered by power supply 90, which is a battery (see Col. 11, lines 24-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sunyich's system and method as taught by Kucharczyk because a battery enables a customer to use safe 20 during power outages.

11. Claims 44, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich (US 4,857,714) in view of Kucharczyk et al. (US 6,300,873) as applied to claims 43 and 46 above, and further in view of 47 Code of Federal Regulations (CFR) Chapter 1 (10-1-03 Edition).

Regarding claims 44, 45, and 47, Sunyich and Kucharczyk omit specifying that (1) the RF packet network operates in the range of 450 to 470 MHz, as called for in claims 44 and 47, and (2) RF interface 23's effective radiated power (ERP) is in the range of 5 to 30 watts, as called for in claim 45.

According to §90.261(a) of 47 CFR Chapter 1, the Federal Communications Commission (FCC) has allocated frequencies in the 450-470 MHz band for land mobile operations and for fixed operations on a secondary basis to land mobile operations. The FCC stipulates that fixed stations located within 87 miles of an urbanized area having a population of at least 600,000 are limited to a transmitter output power of 20 watts (see §90.261(b)). Consequently, the resulting ERP of fixed operations in the 450 - 470 MHz band is 20 watts, which is within the range of 5-30 watts, if the systems are within 87 miles of an urbanized area having a population of at least 600,000.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sunyich and Kucharczyk's system pursuant to Part 90 of the FCC's 47 CFR such that it operates in the 450-470 MHz band and has an ERP of 20 watts because the 450 - 470 MHz band is less susceptible to propagation loss than higher frequency bands (as indicated by the formula for calculating free space path loss, wherein free space path loss in dB =  $32.4 + 20 \cdot \log(\text{frequency in MHz}) + 20 \cdot \log(\text{distance in km})$ ), thereby resulting in greater coverage and a more robust system.

12. Claims 41, 42, and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich (US 4,857,714) in view of Kucharczyk et al. (US 6,300,873) as applied to claims 40 and 51 above, and further in view of Biggs, Jr. et al. (US 5,475,740).

Regarding claims 41, 42, and 52-54, Sunyich, as modified by Kucharczyk, omits teaches the limitations called for by the claims.

In an analogous art, Biggs teaches a system for enabling user access to and payment for amenities, such as pay-per-view, in a hotel using a telephone (see Col. 2, lines 45-65). As shown in Fig. 1A, Biggs's control system comprises (a) access phone 10 or input means to enable room

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unit 15 to receive a pay-per-view movie (see Col. 10, lines 6-16); (b) central distribution computer 50 or control computer for assembling an instruction to enable room unit 15, the instruction including an identifier specific to room unit 15 (see Col. 6, lines 51-53; Col. 10, lines 27-33 and 43 - 55; and Col. 11, lines 2-21); (c) RF modem 50B and combiner 55 or transmitting means for conditioning and transmitting the instruction to room unit 15 (see Col. 7, lines 13-27 and Col. 8, lines 58-66); and (d) each room unit 15 receiving the transmitted instruction if the instruction contains the identifier specific to that room unit (see Col. 11, lines 12-21). Still referring to Fig. 1A, Bigg's control system, as called for in claims 41 and 52, also comprises (a) property management system (PMS) 17 (see Col. 6, lines 26-28); (b) line 25 (i.e., a first communication link) connecting central distribution computer 50 to PMS 17 (see Fig. 1A); and (c) store and forward switch 50A interpreting a telephone call made from access phone 10 to a predetermined telephone number as a command to enable room unit 15 (see Col. 10, lines 14-16 and 24-26; and Col. 11, lines 2-21). As called for in claim 42, Bigg's control system also comprises (a) access phone 10 in a hotel room connected to the hotel's PBX 12, the room containing a particular room unit 15 (see Col. 6, lines 17-20 and Col. 10, lines 6-16 and 40-42); (b) line 21 or first communications link connecting PBX 12 to property management system (PMS) 17 (see Col. 6, lines 26-28); (c) line 19 or second communications link connecting central distribution computer 50 to PBX 12 (see Col. 6, lines 24-26); (d) line 25 or third communications link connecting PMS 17 to central distribution computer 50 (see Col. 11, lines 22-25); and (e) store and forward switch 50A interpreting a telephone call made from access phone 10 to a predetermined telephone number as a command to enable room unit 15 (see Col. 10, lines 14-16 and 24-26; and Col. 11, lines 2-21). As called for in claims 53 and 54, Biggs's method for enabling user access to and payment for amenities includes the following steps: (a) a dialing a

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predetermined telephone number via an amenity button/speed dial button (see Col. 6, lines 10-13 and Col. 10, lines 14-16); (b) receiving and interpreting the telephone call as a command to enable a particular room unit 15 (see Col. 10, lines 40-55); (c) receiving access phone 10's identification number, which is understood to be the room number of the hotel room containing the particular room unit 15 (see Col. 7, lines 30-34); (d) deriving the identifier of the particular room unit 15 from the received room number (see Col. 8, lines 10-18 and Col. 10, lines 40-42); and (e) combining the identifier and the command in the instruction (see Col. 10, lines 43-55 and Col. 11, lines 12-21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sunyich and Kucharczyk's system as taught by Biggs because Biggs's system (1) enables a hotel guest to select goods and services, such as an in-room safe, from his/her hotel room while billing the guest's credit card at the time of selection, (2) facilitates the utilization of amenities, and (3) provides a guest access to the hotel PMS and the option to pay the hotel bill using the telephone system's credit card reader (see Biggs, Col. 3, lines 64 - 67; and Col. 4, lines 1 - 20). In addition, Biggs's method (4) enables a hotel guest to select goods and services, such as an in-room safe, from his/her hotel room while billing the guest's credit card at the time of selection, (5) facilitates the utilization of amenities, and (6) provides a guest access to the hotel PMS and the option to pay the hotel bill using the telephone system's credit card reader (see Biggs, Col. 3, lines 64 - 67; and Col. 4, lines 1 - 20).

13. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich (US 4,857,714) in view of Kucharczyk et al. (US 6,300,873) and Biggs, Jr. et al. (US 5,475,740) as applied to claim 52 above, and further in view of 47 Code of Federal Regulations (CFR) Chapter 1 (10-1-03 Edition).

Regarding claim 55, Sunyich, Kucharczyk, and Biggs omit specifying that (1) the RF packet network operates in the range of 450 to 470 MHz, and (2) RF interface 23's effective radiated power (ERP) is in the range of 5 to 30 watts.

According to §90.261(a) of 47 CFR Chapter 1, the Federal Communications Commission (FCC) has allocated frequencies in the 450-470 MHz band for land mobile operations and for fixed operations on a secondary basis to land mobile operations. The FCC stipulates that fixed stations located within 87 miles of an urbanized area having a population of at least 600,000 are limited to a transmitter output power of 20 watts (see §90.261(b)). Consequently, the resulting ERP of fixed operations in the 450 - 470 MHz band is 20 watts, which is within the range of 5-30 watts, if the systems are within 87 miles of an urbanized area having a population of at least 600,000.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sunyich and Kucharczyk's system, as modified by Biggs, pursuant to Part 90 of the FCC's 47 CFR such that it operates in the 450-470 MHz band and has an ERP of 20 watts because the 450 - 470 MHz band is less susceptible to propagation loss than higher frequency bands (as indicated by the formula for calculating free space path loss, wherein free space path loss in dB =  $32.4 + 20 \cdot \log(\text{frequency in MHz}) + 20 \cdot \log(\text{distance in km})$ ), thereby resulting in greater coverage and a more robust system.

Regarding claim 56, as explained in the previous rejection of claim 48, the system and method of Sunyich and Kucharczyk comprises (a) processor 72's wireless receiver receiving branch computer 22's message, which is an RF data packet; (b) processor 72's CPU 112 reading the command contained in the message; and (c) CPU 112 enabling locking mechanism 58 if the

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message contains its TID. Because an RF data packet is modulated, processor 72 must demodulate the received RF data packet in order to obtain the data.

*Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 9:00 AM - 7:30 PM, Monday - Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CY

28 June 2006



WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600